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# **EXHIBIT**

**1**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

v.

01 JUAN HERON (3/28/1957) (Bk# 6269349)

Defendant(s).

CASE NO. BA195517

**INFORMATION**

Arraignment Hearing  
Date: 01/18/2000  
Department: CEN 119

**FILED**  
LOS ANGELES SUPERIOR COURT  
JAN 18 2000  
BY JOHN A. CLARKE, CLERK  
J. Pulido  
233219  
DEPUTY

**INFORMATION  
SUMMARY**

Ct. No.	Charge	Charge Range	Defendant	Special Allegation	Alleg. Effect
1	PC 245(b)(2)	3, 4, 10	HERON, JUAN	PC 12022.7(a)	+3 Yrs

The District Attorney of the County of Los Angeles, by this Information alleges that:

**COUNT 1**

On or about November 25, 1999, in the County of Los Angeles, the crime of ASSAULT WITH A SEMIAUTOMATIC FIREARM, in violation of PENAL CODE SECTION 245(b), a Felony, was committed by JUAN HERON, who did willfully and unlawfully commit an assault upon MALIK ABDULAH with a semiautomatic firearm.

It is further alleged that the defendant(s), JUAN HERON used a firearm within the meaning of Penal Code Section 12022.5(a) and (d). "NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged that in the commission of the above offense the said defendant(s), JUAN HERON, personally inflicted great bodily injury upon MALIK ABDULAH, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

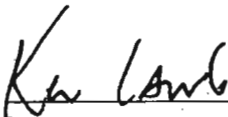
"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

\* \* \* \* \*

THIS INFORMATION CONSISTS OF 1 COUNT(S).

GIL GARCETTI  
DISTRICT ATTORNEY  
County of Los Angeles,  
State of California

BY:



KEN E. LAMB

DEPUTY DISTRICT ATTORNEY

Filed in Superior Court,  
County of Los Angeles

/JFA

DATED: \_\_\_\_\_

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

**ABSTRACT OF JUDGMENT --- PRISON COMMITMENT --- DETERMINATE  
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**  
(Not be used for multiple count convictions or for 1/3 consecutive sentences)

<input checked="" type="checkbox"/> SUPERIOR <input type="checkbox"/> MUNICIPAL	COURT OF CALIFORNIA, COUNTY OF <b>LOS ANGELES</b> BRANCH OR JUDICIAL DISTRICT <b>CENTRAL DISTRICT - CRIMINAL</b>	<b>ORIGINAL FILED</b> <b>LOS ANGELES SUPERIOR COURT</b>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT <b>HERON, JUAN</b>	DOB <b>03-28-57</b>	
AKA C# <b>A08394074</b> BOOKING # <b>6269349</b>	CASE NUMBER <b>BA195517</b>	
COMMITTED TO STATE PRISON ABSTRACT OF JUDGMENT	<input type="checkbox"/> AMENDED ABSTRACT	

DATE OF HEARING <b>01-18-2000</b>	DEPT. NO. <b>119</b>	JUDGE <b>SHERRILL D LUKE</b>
CLERK <b>JOSEPH PULIDO</b>	REPORTER <b>JANIS FONSECA</b>	PREPARATION NO. OR PROBATION OFFICER <b>X1750614</b>

COUNSEL FOR PEOPLE <b>KEN E LAMB</b>	COUNSEL FOR DEFENDANT <b>KEITH S ROSS</b>	<input type="checkbox"/> APPTD
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1. Defendant was convicted of the commission of the following felony.				YEAR CRIME COMMITTED	DATE OF CONVICTION (MO/DAY/YEAR)	CONVICTED BY			TERM (L/M/D)	TIME IMPOSED	
CNT	CODE	SECTION NUMBER	CRIME			JURY	COURT	PLEA		YRS	MOS
<b>1</b>	<b>PC</b>	<b>245(A)(2)</b>	<b>ASSLT W/FIREARM PERSON</b>	<b>1999</b>	<b>01</b>	<b>18</b>	<b>2000</b>			<b>X LOW</b>	<b>3</b>

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL
<b>1</b>	<b>12022.5(A)</b>	<b>3</b>							<b>3</b>

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL
...									

4. ☐ Defendant was sentenced pursuant to PC 667(b)-(i) or PC 1170.12 (two strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

- a. RESTITUTION FINE of \$ **200.00** per PC 1202.4(b) forthwith per PC 2085.5.  
b. RESTITUTION FINE of \$ **200.00** per PC 1202.45 suspended unless parole is revoked.  
c. RESTITUTION of \$ **10,000.00** per PC 1202.4(f) to ☒ victims\* ☐ Restitution Fund  
(\*List victim name(s) if known and amount breakdown in item 7, below.)

(1) ☐ Amount to be determined. (2) ☐ Interest rate of: \_\_\_\_\_ % (not to exceed 10% per PC 1204.4(f)(3)(F)).

d. ☐ LAB FEE of: \$ \_\_\_\_\_ for counts: \_\_\_\_\_ Per H&SC 11372.5(a).

e. ☐ DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a) f. ☐ FINE of: \$ \_\_\_\_\_ per PC 1202.5.

6. TESTING: ☐ AIDS ☐ DNA pursuant to ☐ PC 1202.1 ☐ PC 290.2 ☐ other (specify):

7. Other orders (specify):

8. TOTAL TIME IMPOSED:	<b>6</b>
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9. ☐ This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

- a. ☒ at initial sentencing hearing. d. ☐ at resentencing per recall of commitment. (PC 1170(d).)  
b. ☐ at resentencing per decision on appeal. e. ☐ other (specify):  
c. ☐ after revocation of probation.

11. DATE SENTENCE PRONOUNCED <b>01-18-2000</b>	CREDIT FOR TIME SPENT IN CUSTODY <b>64</b>	TOTAL DAYS: INCLUDING: <b>56</b>	ACTUAL LOCAL TIME <b>56</b>	LOCAL CONDUCT CREDITS <b>8</b>	<input type="checkbox"/> 4019 SERVED TIME IN STATE INSTITUTION <input type="checkbox"/> 2833.1 <input type="checkbox"/> DMH <input type="checkbox"/> CDC <input type="checkbox"/> CRC
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12. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.  
To be delivered to: ☒ the reception center designated by the director of the California Department of Corrections.  
☐ other (specify):

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE <b>C. WIGGINS-KING</b>	<b>JANUARY 20, 2000</b>
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This form is prescribed under PC 1203.5 to satisfy the requirements of PC 1203.5. Attachments may be used but must be referred to in this document.

# **EXHIBIT**

**2**



Prob 2 SD  
(REV 4/93)UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
PRESENTENCE REPORT

NAME HERON, Juan					Dictation Date 7/11/2006	
Address MCC 808 Union Street San Diego, CA 92101			Legal Residence Guerrero, Mexico		Scheduled Sent Date 8/21/2006 9:00 a.m.	
					Docket No 06CR01054-002-H	
					Education Second Grade	
Race White	Date of Birth 03/28/57	Age 49	Sex M	Place of Birth Guerrero, Mexico	Citizenship Mexico (Deported Alien)	
Height 5'4"	Weight 150	Marital Status Cohabits		Soc. Sec. No. None	Other ID No. CA/DL: N8225757 (expired)	
Hair Black	Eyes Brown	FBI No. 472186FA7		U.S. Marshal No. 99248-198	CII: A08304074 INS: A91860230 CDC: P67763	
Conviction Status 6/6/2006: Pled guilty to a single-count information.						
Count(s) of Conviction 8 U.S.C. § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2, Bringing in Illegal Aliens Without Presentation and Aiding and Abetting, a Class C Felony.						
Penalty 10 years custody; 3 years supervised release; \$250,000 fine; \$100 special assessment.						
Custodial Status In continuous custody since arrest. 107 days custody credit through 8/21/2006.					Date of Arrest 5/7/2006	
Detainers or Charges Pending ICE detainer.						
Other Defendants see page i.						
Assistant U.S. Attorney (619) 557-6479 Carol Trujillo 880 Front Street, Rm. 6293 San Diego, CA 92101-8893				Defense Counsel (appointed) (619) 233-7521 Robert Schroth Sr. 2044 First Avenue, Ste. 200 San Diego, CA 92101		
Disposition						
Sentencing Judge HON. MARILYN L. HUFF U.S. District Judge			Date		Probation Officer Kelly Richardson (619) 557-3449	

HERON, Juan

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Criminal Convictions

<u>Date of Arrest</u>	<u>Charge/Agency</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline/Score</u>
8/5/1988 (age 31)	Ct. 1: 23152(b) VC, DUI w/ .08% or Greater BAC; Ct. 2: 23152(a) VC, DUI; Ct. 3: 12500(a) VC, Unlic. Driver (misd.) Arresting agency unk.	Los Angeles Co. Muni. Crt.(Central) Case No.ELA88M0874101 8/10/88: Guilty Ct. 1 (misd.), 3 years summary prob., 2 days jail.	4A1.2(e)(3) <u>0</u>

The above information was taken from the Los Angeles County Probation Department report prepared in case BA195517 (see below). Due to the dated nature of the offense, no further information was available.

4/16/1994 (age 37)	Ct. 1: 273.5 PC, Corp. Inj. to Spouse/Cohab. Los Angeles, CA PD	Los Angeles Co. Sup. Crt.(Central) Case No. 94R05439 5/17/94: Pled nolo contendere, 3 years prob., 55 days jail.	4A1.2(e)(3) <u>0</u>
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The above information was taken from computerized court records. As conditions of probation the defendant was ordered to complete a 12 month domestic violence program and attend 50 Alcoholics Anonymous meetings. The arrest report was requested and is awaited.

11/25/1999 (age 42)	Ct. 1: 245(a)(2) PC, Assault w/ Firearm on Person Los Angeles, CA PD	Los Angeles Co. Sup. Crt.(Central) Case No. BA195517 1/18/00: Pled nolo contendere; 6 years prison, restitution. 1/1/05: Paroled to INS 1/3/05: Deported	4A1.1(a) <u>3</u>
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According to the Los Angeles County Probation Department report, the victim went to the defendant's home, and confronted him on the belief J. HERON had broken his (victim's) vehicle windows. After accusing the defendant of breaking the windows, the victim became frustrated and began walking away from the residence. J. HERON fired a 9mm handgun through the door, and the bullet grazed the victim's elbow before entering his side and exiting



HERON, Juan

5

1 through his upper abdomen. The forgoing information was obtained from court records and  
2 the presentence report. The arrest report was requested and is awaited.

3  
4 J. HERON confirmed his conviction in this case, stating he "shot a black man who was  
5 bothering me in my house." He further stated he was not on parole as he was deported after  
6 serving his sentence.

7  
8 According to records from the California Department of Corrections (CDC), his parole is not  
9 due to expire until January 1, 2008.

### 10 11 Criminal History Computation

12  
13 The criminal convictions listed above result in three criminal history points. 3

14  
15 Pursuant to USSG § 4A1.1(d), two points are added because the defendant was on  
16 parole in Case No. BA195517 when the instant offense was committed. +2

17  
18 Pursuant to USSG § 4A1.1(e), one point is added because the defendant was released  
19 from custody, in Case No. BA195517, less than two years prior to committing the  
20 instant offense. +1

21  
22 The total criminal history score is six. 6

23  
24 According to the Sentencing Table (USSG Ch.5, Pt.A), a criminal history score of  
25 six establishes a Criminal History Category III. III

### 26 27 Other Law Enforcement Contacts

28  
29 The following information was obtained from the defendant's FBI and CII rap sheets.

30  
31 On August 31, 1986, J. HERON was arrested by Los Angeles, California, police officers for  
32 a violation of 245(a)(1) PC, Force With a Deadly Weapon/Not a Firearm: Great Bodily Injury  
33 Likely. Prosecution was declined on September 3, 1986, due to the unavailability of the  
34 victim, according to the defendant's rap sheet.

35  
36 J. HERON was apprehended by U.S. immigration authorities on January 30, 1994, for alien  
37 smuggling. Prosecution was declined on March 3, 1994.

38  
39 The defendant was arrested by Los Angeles, California, police officers on July 11, 1996, for  
40 a violation of 422 PC, Terrorist Threats. Prosecution was declined on July 12, 1996, and the  
41 defendant's rap sheet reflects the victim declined to testify.  
42  
43